

UNITED STATES DISTRICT COURT  
for the

|  |   |                                 |
|--|---|---------------------------------|
| 904 TOWER APARTMENT LLC and MADISON<br>APARTMENT 905 LLC                           | ) |                                 |
| <hr/>  | ) |                                 |
| Plaintiff  | ) |                                 |
|  | ) |                                 |
| v.   | ) | Civil Action No. 10CV9701 (LLS) |
| THE MARK HOTEL LLC, MARK HOTEL SPONSOR<br>LLC, THE MARK HOTEL OWNERS CORP., ALEXIC | ) |                                 |
| <hr/>  | ) |                                 |
| Defendant  | ) |                                 |

**SUMMONS IN A CIVIL ACTION**

To: *(Defendant's name and address)* The Mark Hotel Owners Corp.  
25 East 77th Street  
New York, New York 10021

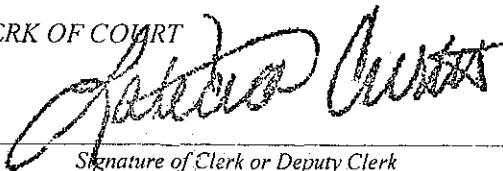
A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

**RUBY J. KRAJICK**

CLERK OF COURT



Signature of Clerk or Deputy Clerk

Date:

**FEB 18 2011**

UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF NEW YORK

----- X  
904 TOWER APARTMENT LLC and MADISON :  
APARTMENT 905 LLC :  
: Plaintiffs, :  
: : Case No. 10cv9701 (LLS)  
v. :  
: :  
THE MARK HOTEL LLC, MARK HOTEL SPONSOR :  
LLC, THE MARK HOTEL OWNERS CORP., : AFFIDAVIT OF SERVICE  
ALEXICO GROUP, LTD., 205 EAST 45 LLC, SIMON :  
ELIAS, IZAK SENBAHAR, AND JOHN DOES 1-10 :  
: Defendants. :  
----- X

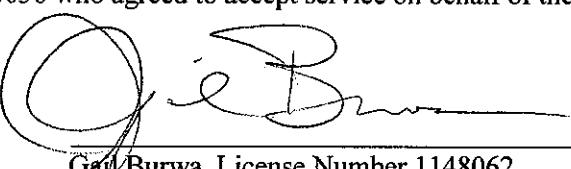
STATE OF NEW YORK )  
 ) ss.:  
COUNTY OF NEW YORK )

**Gail Burwa**, being duly sworn, deposes and says:

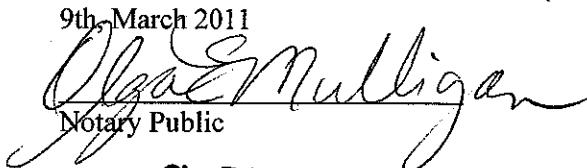
I am not a party to this action, am over eighteen years of age, and reside in Whiting, New Jersey.

On March 9, 2011 at about 3:45 pm, I personally served a true & correct copy of the **SUMMONS IN A CIVIL ACTION DIRECTED TO THE MARK HOTEL OWNERS CORP.** dated 2/18/11 upon the law firm of Kramer Levin Naftalis & Frankel LLP, 1177 Avenue of the Americas, New York, New York 10036 who agreed to accept service on behalf of their client The Mark Hotel Owners Corp..

Dated: New York, New York  
March 9, 2011

  
Gail Burwa, License Number 1148062  
Tannenbaum Helpern Syracuse Hirschtritt LLP  
900 Third Avenue  
New York, New York 10022  
(212) 508-6772

Sworn to before me this  
9th, March 2011

  
Olga E. Mulligan  
Notary Public, State of New York  
No: 01MU4989802  
Qualified in Nassau County  
Commission Expires February 08, 2014